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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,165	12/21/2001	Hanan Z. Moller	Koob 3-2-16	6765
47384 7590 03/19/2007 RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560			EXAMINER NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/037,165

Applicant(s)

MOLLER ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/3/07 has been entered.

Claim Objections

2. Claim 20 objected to because of the following informalities: "the reset timer" should be changed to -- the restart timer --. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Ganmukhi (WO 9826611) in view of Lindblom (US 6914878).

Ganmukhi discloses a method and system for controlling data flow between a plurality of input devices and a plurality of output devices are associated with a packet data network or a telephony network and wherein the data represents voice signals through a first or a second

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switch fabric interposed therebetween, wherein the first switch fabric is in an active mode and the second switch fabric is in a standby mode (Fig 1 and Page 1, lines 14-21) comprising producing a control signal prior to causing the first switch fabric to assume the standby mode and the second switch fabric to assume the active mode (Page 4, lines 2-4, Fig 2, Ref SYNC_TIME_L) in response to a fault in the first switch fabric (Page 5, lines 19-31); in response to the control signal, terminating the transmission of data into the first switch fabric from the plurality of input devices (Page 4, lines 5-21); in response to the control signal, starting a drain timing wherein the drain timer has a time-out value selected such that under normal operating conditions any data in the first switch fabric will be routed out of the first switch fabric by the time the drain timer reaches the time-out value (counting the time from T0 to T1, Fig 2 and page 4, lines 22 to page 5, lines 22); in response to the drain timer having timed out or receipt of a switch fabric empty signal from the first switch fabric, controlling the first switch fabric to assume the standby mode and the second switch fabric to assume the active mode (Page 7, lines 6-22); subsequent to the drain timer having timed out or receipt of the switch fabric empty signal from the first switch fabric, starting a restart timing (restart timing from T2 to T3) in response to the drain timer having timed out or receipt of the switch fabric empty signal from the first switch fabric; and in response to the restart timer having timed out, sending/receiving data from the plurality of input/output devices into the second switch fabric (Page 7, lines 23-30) and determining if the second switch fabric is operational prior to controlling the first switch fabric to assume the standby mode and the second switch fabric to assume the active mode (Page 4, lines 2-8 and Page 5, lines 12-18). However, Ganmukhi fails to disclose the timers for using to count the restart and drain timing. In the same field of endeavor, Lindblom discloses the

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timers to determine drain function and switching time function and discloses a method and system for switching from active to standby switch in response to a failure of active switch (Fig 10, PCT and SWT timers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the timers to determine when the functions must be started or ended as disclosed by Lindblom into the teaching of Ganmukhi. The motivation would have been to reduce switching time.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven HD Nguyen
Primary Examiner
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